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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE

STEVEN GIKONYO,

Plaintiff and Appellant,

v.

ALTICOR INC.,

Defendant and Appellant.

G041098

(Super. Ct. No. 06CC12047)

ORDER MODIFYING OPINION
AND DENYING PETITION FOR
REHEARING; NO CHANGE IN
JUDGMENT

It is ordered that the opinion filed herein on May 6, 2010, be modified as follows:

On page 24, at the end of the paragraph that continues from page 23, after the last sentence ending ““of illegal activity,”” add as footnote 6 the following footnote, which will require renumbering of all subsequent footnotes:

⁶ In its petition for rehearing, defendant argues *Green v. Ralee Engineering Co.*, *supra*, 19 Cal.4th 66, is distinguishable because that case involved a claim based on section 1102.5, subdivision (b), and not section 1102.5, subdivision (c). We conclude a claim of wrongful termination in violation of the public policy embodied in section 1102.5, subdivision (c), may be based on an employee’s refusal to participate in an activity that he or she actually and reasonably believed would result in a violation of a state or federal statute, or a violation of or noncompliance with a state or federal rule or regulation.

This modification does not effect a change in the judgment. Appellant's petition for rehearing is DENIED.

FYBEL, J.

WE CONCUR:

SILLS, P. J.

RYLAARSDAM, J.